

### **REMARKS**

The Office Action required the reference cited within the Specification to be listed within an Information Disclosure Statement, or to have been cited by the Examiner on form PTO-892, to be considered. Applicant acknowledges that the reference was cited on form PTO-892.

The Examiner went on to suggest guidelines for the preferred layout of the specification. Applicant has amended the specification to reflect those portions of the preferred layout that pertain to the Application.

Claim 1 was objected to because of the informalities within the Claim, and Applicant has amended the Claim to address the informalities.

Claims 1-3, 8, and 9 were rejected under 35 U.S.C. §112, second paragraph, as indefinite for being unclear. Claims 1-4 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,730,569, naming Bucknell as the inventor ("Bucknell"). Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as obvious over Bucknell in view of U.S. Patent No. 3,462,180, naming Bunyan as the inventor ("Bunyan"). Claim 9 was rejected under 35 U.S.C. §103(a) as obvious over Bucknell in view of U.S. Patent No. 7,008,156, naming Imai as the first inventor ("Imai").

Based upon the amendments and the following remarks, Applicant respectfully submits that all of the claims remaining, that is Claims 1-4 and 7-9, and newly added Claims 16-17, are in condition for allowance.

#### **Claims 1-3, 8 and 9 Are Definite**

In the Office Action, Claims 1-3, 8 and 9 were rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

More particularly, independent Claim 1, in relevant part, states “a body with a central bore to engage a connector element and with an annular recess opening outwards to an end surface.” Applicant respectfully submits that the language in independent Claim 1 is definite and is supported within the specification at page 2, lines 15-23 and page 3, lines 1-4, and also FIGS. 1 and 2<sup>1</sup>. In addition, if portions of this recitation are viewed as functional, such recitations are proper under MPEP §2173.05(g).

Dependent Claim 2 has been amended to recite “the fastener of Claim 1 in which the connector element is at least one of a bolt or a stud.” The amended claim more particularly points out and distinctly claims the subject matter of the invention. The connector element as a bolt or as a stud is discussed in greater detail in Applicant’s specification, for example, at page 2, lines 15-25, and page 3, lines 1-4. Claim 3 has been amended in a similar fashion as Claim 2. It is respectfully submitted that Claims 1-3 are not indefinite and distinctly claim the subject matter.

Similarly, claims 8 and 9 are not indefinite and distinctly claim the subject matter, as Claim 8 recites in part, as amended, the charging medium is a solid injectable media and Claim 9 recites in part, as amended, the charging medium is a particulate solid of a granular nature. The charging medium as a solid injectable media and the charging medium as a particulate solid of a granular nature are discussed in greater detail at page 2, line 23; page 3, lines 10-11; page 5, lines 15-30; page 6, lines 1-2; page 7, lines 17-25; and page 8, lines 4-17.

#### **Independent Claim 1 Is Not Anticipated By Bucknell**

In the Office Action, independent Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Bucknell. Applicant respectfully submits that Bucknell does not disclose each and every limitation recited in Claim 1 and thus does not anticipate the Claim.

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<sup>1</sup> The citations referring to the Applicant’s Specification refer to the Substitute Sheets filed in National Stage Entry on August 25, 2006 and approved pursuant to 35 U.S.C. §371 on July 25, 2008.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The element must be arranged as required by the claim. MPEP §2131.

“[A] §102(b) reference must sufficiently describe the claimed invention to have placed the public in possession of it . . . [E]ven if the claimed invention is disclosed in a printed publication, that disclosure will not suffice as prior art if it was not enabling . . .” *Azko N.V. v. U.S.I.T.C.*, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986).

Claim 1 states that, among other things, “an annular thrust member which fits into and seals the annular recess” and “an annular chamber defined by the recess and the thrust member.” Claim 1 thus is directed to an annular thrust member which seals the annular recess and an annular chamber that is defined by the recess and the thrust member.

In contrast, the invention disclosed in Bucknell discloses a bladder or seal arrangement to provide the chamber (13) into which the charging medium is injected and then sets. The potential degradation of the elastomeric materials used to manufacture the bladders, especially in very high temperature applications would not be acceptable. This is particularly true in nuclear reactors where the covers are secured by the hydraulic fasteners at extremely high temperatures and/or pressure tensile loads. Further, the annular thrust member (12) is not sealed to the annular recess (15) and Bucknell states that the annular thrust member may be omitted. *See* Bucknell at Col. 7, lines 58-62 and FIG. 13.

Indeed, Applicant’s specification discusses some of the differences between Bucknell and the claimed invention on lines 8-25 of page 1 of the Application.

Therefore, Applicant respectfully submits that Bucknell does not disclose all of the limitations recited in Claim 1, and therefore does not anticipate Claim 1.

**Dependent Claims 2-4 Are Allowable**

In the Office Action, dependent claims 2-4 were rejected under 35 U.S.C. §102(b) as anticipated by Bucknell. As described above, Applicant respectfully submits that independent Claim 1 is not anticipated by Bucknell. Further, in regard to Claim 4, Applicant respectfully submits that Claim 4 defines that the recess extends inwards to the central bore of the fastener body so that the connector member received in the central bore defines the recess in combination with the recess and the thrust member. Therefore, Applicant also respectfully submits that Claims 2-4, which depend from Claim 1, are not anticipated by Bucknell.

**Dependent Claims 7-9 Are Allowable**

In the Office Action, Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as obvious over Bucknell in view of Bunyan. In addition, Claim 9 was rejected under 35 U.S.C. §103(a) as obvious over Bucknell in view of Imai. Applicant respectfully submits that Claims 7 and 8 are not taught or even suggested by either Bucknell or Bunyan, either alone or in combination with one another. Similarly, Applicant respectfully submits that Claim 9 is not taught or even suggested by either Bucknell or Imai, either alone or in combination with one another.

“In rejecting claims under 35 U.S.C. §103, the [E]xaminer bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant.” *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993)(citations omitted). In order to determine whether a prima facie case of obviousness has been established, we consider the factors set forth in *Graham v. John Deere Co.*: (1) the scope and content of the prior art; (2) the differences between the prior art

and the claims at issue; (3) the level of ordinary skill in the relevant art; and (4) objective evidence of the nonobviousness, if present. *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). When evaluating a claim for determination of obviousness, all limitations of the claim must be evaluated in judging the patentability of the claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); MPEP §2143.03.

Applicant respectfully submits that, for the reasons presented above, Bucknell fails to disclose, teach, or suggest the elements recited in independent Claim 1, and that the additional references of Bunyan and Imai fail to make up for the deficiencies of Bucknell with regard to Claim 1. Because independent Claim 1 is believed to be allowable over the cited references, Claims 7-9, which depend from Claim 1, are also believed to be allowable. Further, in regard to Claim 8, the Examiner has not provided any basis for alleging that the solid injectable media is an obvious choice for a charging medium.

#### **New Claims 16 and 17 Are Allowable**

New dependent Claims 16 and 17 have been added and are believed to be allowable. Dependent Claim 16 states, in relevant part, wherein the solid injectable media is graphite. Support for new dependent Claim 16 may be found, for example, in originally filed Claim 8 and at page 3, lines 10-11; page 5, lines 22-30; page 6, lines 1-2; page 7, lines 17-25; and page 8, lines 11-17. Applicant respectfully submits that, for the reasons presented above, Bucknell and Bunyan, either alone or in combination with one another, fail to disclose, teach, or suggest the elements recited in dependent Claim 8. Because dependent Claim 8 is believed to be allowable over the cited references, dependent Claim 16, which depends from dependent Claim 8, is also believed to be allowable.

Dependent Claim 17, states, in relevant part, wherein the particulate solid includes at least one of lead, copper, or steel balls. Support for new dependent Claim 17, for example,

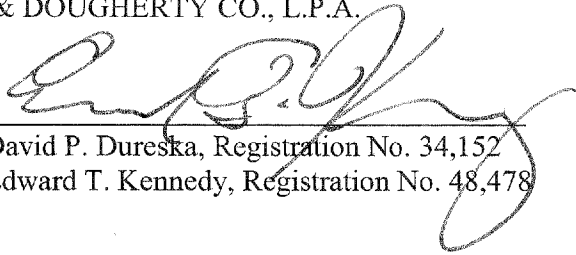
may be found in originally filed Claim 9 and at page 3, lines 12-13; page 5, lines 22-30; and page 6, lines 1-2.

Applicant respectfully submits that, for the reasons presented above, Bucknell and Imai, either alone or in combination with one another, fail to disclose, teach, or suggest the elements recited in dependent Claim 9. Because dependent Claim 9 is believed to be allowable over the cited references, dependent Claim 17, which depends from dependent Claim 8, is also believed to be allowable.

In view of the above, it is submitted that the claims now are in condition for allowance, and reconsideration of the rejections is respectfully requested and allowance of Claims 1-4, 7-9, and 16-17 at an early date is hereby respectfully solicited.

Respectfully submitted,

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